

# Calendar No. 915

68TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 852

TO RELINQUISH TO BATTLE CREEK, MICH., ALL RIGHT, TITLE,  
AND INTEREST OF THE UNITED STATES IN TWO UNSURVEYED  
ISLANDS IN THE KALAMAZOO RIVER

JANUARY 5 (calendar day, JANUARY 8), 1925.—Ordered to be printed

Mr. LADD, from the Committee on Public Lands and Surveys,  
submitted the following

## REPORT

[To accompany H. R. 7144]

The Committee on Public Lands and Surveys, to whom was referred the bill (H. R. 7144) to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River, having considered the same, reports thereon favorably with the following amendments:

In line 3, after the word "That," insert "upon the payment of \$1.25 per acre."

In lines 7 and 8, strike out the words "be, and the same is hereby," and insert in lieu thereof the words "shall be."

In line 12, after the word "Act" insert the following: "*Provided, however,* In case said islands are not used or held by said city for public purposes, title to the same shall revert to the United States upon a finding and declaration by the Secretary of the Interior that they are not so used or held," and recommends it to pass.

The recommendations of the Interior Department are indicated by the report submitted by them, as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, May 12, 1924.

Hon. N. J. SINNOTT,  
*Chairman Committee on the Public Lands,  
House of Representatives.*

MY DEAR MR. SINNOTT: I am in receipt of your letter dated April 29, 1924, inclosing a copy of H. R. 7144, entitled "A bill to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River within the corporate limits of said city."

It is provided in the bill that whatever right, title, or interest the United States may have in or to the two unsurveyed islands shown upon the official plat of the survey of T. 2 S., R. 8 W., Michigan, approved July 14, 1826, as being in

the Kalamazoo River in section 2 of said township, be and the same is "hereby," relinquished unto the city of Battle Creek in said State of Michigan for public purposes.

You inclosed a copy of the report of this department dated March 24, 1924, in letter to you on said bill, also a copy of a letter dated April 29, 1924, to you from Hon. Arthur B. Williams, in which it is stated that the island in the northeast quarter of section 2 is wholly within the city limits, but the other island in the northwest quarter of the section, while immediately adjacent to the corporate limits of said city and in territory which will, no doubt, be taken into the said limits in the not very distant future, is not now within such corporate limits.

You ask, in view of the statements contained in the letter from Representative Williams to you, that the bill be reviewed and an entirely new report thereon made to be substituted for the previous report.

A photolithographic copy of the official plat of the survey of the said township, approved July 14, 1826, showing the positions of two unsurveyed islands in the river, one in the northeast quarter of section 2 and the other in the northwest quarter of the section, referred to in the bill, was transmitted with said letter from this department to you dated March 24, 1924.

Reference was made to an intended application to be made by George A. Long to the Commissioner of the General Land Office for the survey of one of the islands, and the application was subsequently received by the commissioner, also a protest against the approval of the application of F. N. Boyce, et al., claiming that the island belonged to the owners of the northeast fractional quarter of section 2 of said township.

In view of the contemplated legislation by Congress contained in said bill, the application of George A. Long for the survey of the islands was, by letter to him dated April 9, 1924, from the Acting Assistant Commissioner of the General Land Office, rejected subject to his right to appeal to this department within 30 days from receipt of said letter.

The records show that Mr. Long received the letter from the General Land Office rejecting his application on April 12, 1924; no appeal from the decision contained therein has yet been received.

The island described in Mr. Long's application is referred to in the report by the State agent of his examination thereof, received with letter dated March 3, 1924, from the director of conservation at Lansing, Mich., addressed to the Commissioner of the General Land Office.

The mayor of the city of Battle Creek, Mich., under date of February 8, 1924, addressed a letter to the Commissioner of the General Land Office in regard to the matter, and on behalf of the people of the city he protested against the acquisition of the title to the island in the river referred to by George A. Long, stating that it was within the corporate limits of said city and that it was of no commercial value to anyone but was kept in a wild state by the city as a bird refuge and a spot of green in an otherwise unsightly location. Also that it was the hope of the city, that at such time as the river was dredged and relieved of a considerable portion of floating deposit which it now carries, to make the island a small park or resting place. A blue-print sketch from the city map showing the island was received with the letter from the mayor.

As it appears that the city of Battle Creek desires the two islands for public purposes, one of which is shown to be within the corporate limits of the city and the other will probably be taken into the city limits in the near future, this department sees no objection to the passage of the bill relinquishing to the city whatever right, title, or interest the United States may have to the islands, after amending the title to said bill by striking out the words "within the corporate limits of said city" in the last two lines thereof, as suggested in the copy of letter to you from Hon. Arthur B. Williams, dated April 29, 1924, submitted.

Very truly yours,

E. C. FINNEY, *Acting Secretary.*

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